

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL R. McCAY,

Defendant.

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Criminal No. 04-40039-JPG-03

REPORT AND RECOMMENDATION

The United States of America and the Defendant having both filed a written consent, appeared before me pursuant to Federal Rule of Criminal Procedure 11 and SDIL Rule 72.1(b)(2). The Defendant entered a plea of guilty to Count 1 of the Fourth Superseding Indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowing and voluntary as to each count, and that the offense charged is supported by an independent factual basis containing each of the essential elements of such offense. The Court has been advised that a presentence investigation and report has been prepared. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudicated guilty and have sentence imposed accordingly.

DATED: October 12, 2006.

s/Philip M. Frazier

HON. PHILIP M. FRAZIER

UNITED STATES MAGISTRATE JUDGE

NOTICE

The failure to file a written objection to this Report and Recommendation within ten (10) days from the date of service shall bar an aggrieved party from challenging this Report and Recommendation before the assigned U.S. District Judge. 28 U.S.C. 636(b)(1)(B).